

E AND R AMENDMENTS TO LB 22

Introduced by Larson, 40, Chairperson Enrollment and Review

1 1. Strike original section 2 and all amendments thereto
2 and insert the following new section:

3 Sec. 2. (1) The Legislature finds that:

4 (a) In the federal Patient Protection and Affordable
5 Care Act, Public Law 111-148, federal tax dollars are routed
6 via affordability credits to qualified health insurance plans
7 offered through a health insurance exchange created under the act,
8 including plans that provide coverage for abortion;

9 (b) Federal funding for health insurance plans that
10 cover abortions is prohibited by the federal statutory restriction
11 commonly known as the Hyde Amendment and the Federal Employees
12 Health Benefits Program established under Chapter 89 of Title 5 of
13 the United States Code, as amended;

14 (c) Section 1303 of the federal Patient Protection and
15 Affordable Care Act explicitly permits each state to pass laws
16 prohibiting qualified health insurance plans offered through a
17 health insurance exchange created under the act in such state from
18 offering abortion coverage. Such section allows a state to prohibit
19 the use of public funds to subsidize health insurance plans that
20 cover abortions within the state;

21 (d) The laws of the State of Nebraska provide that group
22 health insurance plans or health maintenance agreements paid for
23 with public funds shall not cover abortion unless necessary to

1 prevent the death of the woman;

2 (e) Rust v. Sullivan, 500 U.S. 173 (1991), states that
3 it is permissible for a state to engage in unequal subsidization
4 of abortion and other medical services to encourage alternative
5 activity deemed in the public interest; and

6 (f) A majority of the citizens of the State of Nebraska,
7 like other Americans, oppose the use of public funds, both federal
8 and state, to pay for abortions.

9 (2) Based on the findings in subsection (1) of
10 this section, it is the purpose of the Mandate Opt-Out and
11 Insurance Coverage Clarification Act to affirmatively opt out of
12 allowing qualified health insurance plans that cover abortions
13 to participate in health insurance exchanges within the State of
14 Nebraska. Further, it is also the purpose of the act to limit the
15 coverage of abortion in all health insurance plans, contracts, or
16 policies delivered or issued for delivery in the State of Nebraska.